

HOUSE BILL 108

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 8, Part 4, relative to civil liability for injury
caused by dogs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 8, Part 4, is amended by
adding the following as a new section:

Section 44-8-413.

(a)

(1) Notwithstanding any other provision of law to the contrary, the owner of a dog is civilly liable for any damages suffered by a person who is injured by the owner's dog while in a public place or lawfully in or on private property, including the property of the dog's owner.

(2) The owner of the dog is liable for these damages regardless of whether the dog has shown any past or present propensity for viciousness or whether the dog's owner had knowledge of the dog's viciousness.

(b) A person is lawfully on the property of the owner within the meaning of this section if such person is required to come upon the property in the performance of any duty imposed by law of this state or by the laws of the postal regulations of the United States or if such person is an invitee or licensee on the property.

(c) The statute of limitations for an action pursuant to this section shall be the same as provided in § 28-3-104, for personal tort actions.

(d) The provisions of this section shall not be construed to impose liability upon the owner of the dog if:

(1) The dog is a police or military dog, the injury occurred during the course of the dog's official duties and the person injured was a party to, a participant in or suspected of being a party to or participant in the act or conduct that prompted the police or military to utilize the services of the dog ;

(2) The injured person was trespassing upon the private property of the dog's owner; or

(3) The injury occurred while the dog was protecting the dog's owner from attack by the injured person.

(e) As used in this section, "owner" includes the owner of the dog, or any person harboring or keeping the dog.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.